

4. Defendants filed a second motion to dismiss on October 26, 2017 (“Second Motion to Dismiss”). ECF No. 29. Thereafter, Defendants retained undersigned counsel.

5. On or about January 4, 2018, undersigned counsel extended a loan modification offer to Plaintiff. On January 18, 2018, Defendants consented to a motion for extension of time to reply to the Second Motion to Dismiss until February 19, 2018 under the belief that Plaintiff would timely accept or reject the loan modification offer. Instead, Plaintiff raised issues with the loan modification.

6. On February 19, 2018, Plaintiff filed another motion for extension of time until March 19, 2018 to respond to the Second Motion to Dismiss without giving Defendants sufficient time to respond to his request for consent. ECF No. 38. Despite requesting additional time to respond, Plaintiff refused to accept or deny the loan modification offer.

7. On March 1, 2018, undersigned counsel demanded a response to the loan modification offer no later than March 7, 2018. Plaintiff failed to respond until March 19, 2018, the date he had requested to file his objection to the Second Motion to Dismiss. At that point, he requested changes in the loan modification terms. Plaintiff then filed another motion for extension of time to respond to the Second Motion to Dismiss without allowing sufficient time for Defendants to respond to his request for consent. ECF No. 39.

8. On March 22, 2018, undersigned counsel extended a new loan modification offer to Plaintiff based on his March 19, 2018 request. Undersigned counsel requested a response no later than March 28, 2018. Plaintiff failed to respond to the new loan modification offer by March 28, 2018. On March 29, 2018, undersigned counsel requested a response from Plaintiff. Plaintiff failed to respond.

9. At this point it is clear Plaintiff is merely attempting to drag this litigation out to delay an inevitable foreclosure. A ruling on Defendants' Motion to Dismiss the Amended Complaint is necessary to move this litigation forward.

WHEREFORE, based on the foregoing, Defendants object to Plaintiff's requested extension of time to respond to Defendants' Motion for Summary Judgment and request this Court order Plaintiff to file an objection to the Second Motion to Dismiss no later than **March 13, 2018**.

**DEFENDANTS
THE BANK OF NEW YORK MELLON,
AS TRUSTEE FOR THE HOLDERS OF
THE CERTIFICATES, FIRST HORIZON
MORTGAGE PASS-THROUGH
CERTIFICATES SERIES FHAMA
2004-AA5 f/k/a THE BANK OF NEW
YORK and NATIONSTAR MORTGAGE
LLC**

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CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2018, a copy of the foregoing Objection to Motion for Extension of Time was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Crystal L. Cooke
Crystal L. Cooke (ct28750)